

## **Minutes of the Special and Regular Meeting Of April 26, 2005**

**Twin Pines Senior and Community Center, 1223 Ralston Avenue**

### **SPECIAL MEETINGS**

#### **CLOSED SESSION - 6:15 PM**

A. Conference with Labor Negotiator, Dan Rich, pursuant to Government Code Section No. 54957.6: 1) MMCEA, 2) AFSCME, 3)BPOA.

B. Conference with Legal Counsel--Anticipated Litigation, initiation of litigation, pursuant to Government Code Section 54956.9(b)-One case (**Continued to the end of the Regular Meeting**).

C. Conference regarding Public Employee Appointment Pursuant to Government Code Section 54957: City Manager

Attended by Councilmembers Feierbach, Bauer, Mathewson, Metropulos, Warden, Interim City Manager Rich, Interim City Attorney Zafferano, Finance Director Fil, Human Resources Director Dolan, Interim City Manager Candidate Jack Crist, and Larry Abelin (Negotiator, Item A only). City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:40 P.M.

Terri Cook

**Belmont City Clerk**

Meeting not tape recorded or videotaped.

### **REGULAR MEETING**

**CALL TO ORDER 7:30 P.M.**

### **ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Mathewson, Metropulos, Bauer, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, Interim City Attorney Zafferano, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

### **PLEDGE OF ALLEGIANCE**

Led by City Clerk Cook.

### REPORT FROM CLOSED SESSION

Mayor Warden reported that direction had been given on Item A (Labor Negotiations), and that Item B (Anticipated Litigation) would be continued at the conclusion of tonight's Regular Meeting. He announced that regarding Item C (City Manager Appointment), the City Council had unanimously approved the appointment of Mr. Jack Crist as Interim City Manager. He noted that direction was given to staff to finalize a contract with him. He introduced Mr. Crist, who was in the audience.

**Jack Crist**, Interim City Manager Appointee, stated that he was looking forward to serving in this position. He stated that he has toured Belmont, and noted that he previously lived in the Bay Area.

### SPECIAL PRESENTATIONS

#### **Proclamation Honoring Madeline Petersen for Outstanding Leadership in the Establishment of A Sister City Relationship with Namur, Belgium**

Mayor Warden presented Ms. Petersen with a Proclamation in recognition of her efforts on behalf of the establishment of a Sister City Relationship with Namur, Belgium.

**Sister Rosanne Murphy**, Sister City Committee Co-Chair, presented Ms. Petersen with a gift from the Sister City Committee.

**Madeline Petersen**, Notre Dame Avenue, thanked the Mayor for his recognition. She stated that no one does anything like this alone, and she thanked members of the Belmont and Namur communities who were involved in this effort from its inception.

#### **Proclamation Proclaiming April 25, 2005 "Red Hat Day" in the City of Belmont**

Mayor Warden presented a Proclamation to the Scarlett O'Hatters, the Belmont Chapter of the "Red Hat Society".

**Barbara Chiodo**, "Queen Mother", accepted the proclamation on behalf of the Belmont Chapter. She noted that this organization exists to bring awareness to issues of women over age 50.

#### **ABAG (Association of Bay Area Governments) Presentation on Disaster Mitigation Act**

Belmont Police Sergeant Pat Halleran stated that the Council would be asked to approve a resolution at a future date to adopt a local plan for the Disaster Mitigation Act (DMA) of 2000.

**Jeanne Perkins**, ABAG Earthquake & Hazards Program Manager, stated that the goal of the DMA was to provide mitigation before disasters occur, and that future mitigation funding is tied

to jurisdictions that have adopted Local Hazard Mitigation Plans. She reviewed the hazards covered under the Act (earthquakes, weather-related, fire, landslides), mitigation strategies, unit cost decisions, and noted that the City's Mitigation Plan is organized by actions of the City, regardless of the type of emergency. She provided details regarding the threat of various disasters in the City of Belmont. In response to Councilmember Bauer, she clarified that tornadoes are not listed as a potential disaster in this area.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Glenn Maguet**, Belmont Senior Club, stated that the Club recently celebrated its 36<sup>th</sup> Anniversary. He thanked the Mayor and Vice Mayor for attending the celebration, and for the Mayor's presentation. He stated that the Club was looking for kids to sing for their Mother's Day celebration. He noted that they were helping a 13-year-old child who has cancer.

**John Violet**, Friends of the Belmont Library (FOBL), announced that there would be an Author Day on May 1, 2005, at 2:00 p.m. in the Senior and Community Center, which was being sponsored by the San Carlos/Belmont Mother's Club. He noted that FOBL would be the recipient of proceeds from book sales that day.

**Lindsay Schulz**, Immaculate Heart of Mary (IHM) Youth Ministry, stated that the Youth Ministry was sponsoring a festival geared towards middle and high school children on May 7 at IHM. She described some of the activities to take place, and noted that the proceeds were to be used to fund the Youth Ministry's upcoming community service trip to Shawnee, Oklahoma.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Warden announced that a Ribbon Cutting for the completion of Phase I of the new City Hall would take place at 9:00 a.m. on May 2<sup>nd</sup>. He noted that an Open House would be held later following completion of Phase II.

## **AGENDA AMENDMENTS**

Interim City Manager Rich advised that Mr. Scott Piazza had requested the postponement of the agenda item related to his project (Item 6-B, Subcommittee Report and Council Action Regarding Development Negotiations with Scott Piazza on Development of Hillside Properties) due to a family emergency.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, and unanimously approved by a show of hands to continue Item 6-B, Subcommittee Report and Council Action Regarding Development Negotiations with Scott Piazza on Development of Hillside Properties to a date uncertain.

Councilmember Mathewson requested the removal of Item 4-L (Resolution Amending Art in Public Places Policy) from the Consent Calendar for separate consideration.

## **CONSENT CALENDAR**

**Approval of** Minutes of Regular Meeting of March 8, 2005 and March 22, 2005, Special Meeting of April 4, 2005 (Closed Session), and Special Meeting of April 8, 2005 (Closed Session).

**Acceptance of** Police Department/City Hall Project - April Monthly Update

**Acceptance of** Belmont Library/Belameda Park Project - April Monthly Update

**Approval of** Resolution 9651 Amending Council Protocols.

**Approval of** Resolution 9652 Accepting Work, Approving As-Built Plans, and Authorization to Issue a Notice of Substantial Completion for the Sanitary Sewer Rehabilitation, Basins 4 and 5, Ralston Avenue to South City Limits (El Camino Real Westerly to Crest of Hills), City Contract Number 456

**Approval of** Resolution 9653 Accepting Work, Approving As-Built Plans, and Authorization to Issue a Notice of Substantial Completion for Sanitary Sewer Rehabilitation Project, Basins 4, 5, & 6 Pipe-Bursting, J. Howard Engineering, Inc., City Contract Number 455

**Approval of** Resolution 9654 Approving a Permanent Encroachment Agreement for Replacing an Existing Retaining Wall and Fence within the Public Right-of-Way at 2006 Forest Avenue

**Approval of** Resolution 9655 Granting a Hauling Permit to 1220 North Road in Vehicles Exceeding the Maximum Gross Weights Allowed by the City Ordinance

**Approval of** Resolution 9656 Granting a Hauling Permit to 1557 Vine Street in Vehicles Exceeding the Maximum Gross Weights Allowed by the City Ordinance

**Approval of** Resolution 9657 Approving the Third Amendment to the BFI Waste Systems of North America, Inc. Franchise Agreement for Solid Waste Collection Services to Extend the Term to December 31, 2010

**Approval of** Resolution 9658 Authorizing the Belmont Police Department to accept four (4) automated external defibrillators and American Heart Association AED training for up to eight (8) persons through the ReviveR Provider Police Grant Program.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the Consent Calendar, as amended, was unanimously approved, as amended, by a show of hands.

### **Resolution Amending Art in Public Places Policy**

Councilmember Mathewson noted that the Amendment to the policy provides for the Park and Recreation Commission be the hearing body for public art requests. He noted that others may be interested in reviewing these requests, including Planning Commission and City Council. He

suggested convening a Public Art Review Board to consist of a subcommittee of commissioners and others.

Councilmember Feierbach stated she supported this concept, and would like to include a requirement for public art to be included with new development.

Parks and Recreation Director Mittelstadt clarified that there have been no applications for the display of public art in the five years the policy has been in existence. He also clarified that the new development public art requirement was a separate issue not addressed in this policy.

**Judy King**, Fifth Avenue, suggested amending the policy to follow the same procedure recently adopted for park improvements and park construction; that is, to have the Park and Recreation Commission review the request, then forward to the Planning Commission for comment.

Parks and Recreation Director Mittelstadt stated this could be added to the Protocols for park improvements and construction, as suggested by Ms. King.

Council concurred with this suggestion.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, Resolution 9659 Amending Art in Public Places Policy was unanimously approved by a show of hands; said motion to include the addition of Public Art to the Park Improvement and Construction Protocols.

## **HEARINGS**

### **Public Hearing to Consider a Resolution Approving a Rate Increase for Solid Waste Management Services**

City Engineer Phalen reviewed the scope of services provided by Browning-Ferris Industries (BFI). She clarified that the rates paid by BFI customers fund reserve balances, which are drawn upon to pay for operating expenses. She reviewed the restructuring of the BFI rates in 2003, which require large-volume disposers to pay a progressive, or premium, rate. She clarified this was done to meet the State's 50 percent diversion rate. She reviewed the factors that have led to the current deficit in BFI's reserve. The previous rate increases have not resulted in a revenue increase, since many customers have reduced service in order to reduce their costs, and vehicle impact fees have added to BFI's operating costs.

City Engineer Phalen reviewed the options for rate increase, which include: 1) a lump-sum increase of 26 percent, 2) a two-year payoff at 17 percent the first year, 3) a three-year payoff at 14 percent the first year, and 4) a four-year payoff at 10.25 percent the first year. She clarified all of these options would be effective retroactive to April 1, 2005, since the current quarter has not yet been billed, and she noted that other options may be available. Staff's recommendation is for the third option (14 percent raise). She further clarified that Belmont's rates, as amended with any of the options presented, would be average throughout the County.

In response to Council questions, City Engineer Phalen stated that if rates are not raised, the deficit would continue to increase, and per the franchise agreement, the City is required to fund BFI's operating costs. Recycling is subsidized by the solid waste rates as a means of encouraging recycling. She noted that Belmont has a good diversion rate.

**Stacey Wagner**, BFI, Inc., stated that an explanatory note regarding the rate increase could be included with the April invoices.

Councilmember Bauer stated that a 26 percent raise (Option 1) would cost less in the long term, but Option 3 (14 percent increase) provides no significant reserves.

City Engineer Phalen confirmed that Option 1 (26 percent increase) would build up reserves. She also clarified that all of the options specified only the first year's increase, and staff would return to Council for review of subsequent years' increases.

In response to Mayor Warden's question regarding the \$11.6 million owed to the cities, City Engineer Phalen clarified that the payment would be made to South Bay Waste Management Authority (SBWMA), and is not in effect until all members approve. She noted that Belmont's share would be \$600,000, which would likely be applied to the deficit.

In response to Councilmember Mathewson, City Engineer Phalen clarified that changes in BFI's operations and reductions in revenues have affected the rate models.

Councilmember Mathewson expressed concern regarding the inadequate modeling, and noted that Belmont was the last city to change from a regressive to a progressive rate structure.

Mayor Warden opened the Public Hearing.

**Ray Moreno** (no address given) asked if Belmont received a rate reduction for the previous overcharges for the landfill, and if Belmont received money back on recyclables.

**Sheila Cockshott**, Yosemite Drive, stated that she recycles and uses compost. She notes that this proposal includes a rate increase with no provision for those who recycle. She cannot reduce service since she is using the smallest can available in the rate structure, even though it is not always full.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Metropulos, the Public Hearing was unanimously closed by a show of hands.

City Engineer Phalen responded that 20 gallons is currently the smallest trashcan on Belmont's rate structure, but a smaller trashcan could be considered. She clarified that the table shown in the staff report outlines only the most common size can. She also clarified that the reduction in fees for the landfill was considered in the projections, and was included in the new rate calculations. She added that Belmont could request a rate for a 10-gallon can.

In response to Council and public comments, **Stacey Wagner**, BFI, stated that the City of Menlo Park has a rate structure for a 10-gallon can. Belmont could keep the rate for the smallest size as is and increase the other sizes. She clarified that increases in BFI's operating costs are less than five percent per year, including vehicle upgrades.

Council concurred to include a rate structure for can sizes smaller than 20 gallons.

Councilmember Feierbach stated that Option 3 (14 percent increase) was the most prudent, and supported including an explanatory letter to customers regarding the increase.

Councilmember Mathewson stated that parity was needed, as was a need to cover the deficit. He supported Option 3 as well.

Councilmember Bauer stated that Option 2 (17 percent increase) was the best option to accumulate reserves, but would support another motion.

Mayor Warden stated he could not support a 17 percent increase, and supported Option 4 (10.25 percent increase). He noted he would also support Option 3.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, Resolution 9660 Approving a Rate Increase for Solid Waste Management Services of 14 percent, effective April 1, 2005, and to include a rate structure for small cans, was approved by a show of hands (4-1, Bauer no).

**Hearing to Consider Introduction of an Ordinance approving Amendments to Chapter 14, Belmont Municipal Code, Motor Vehicles and Traffic, Article III, Truck Route and Weight Limitations**

Interim City Attorney Zafferano reviewed the changes proposed to the Truck Route and Weight Limitations portion of the Municipal Code, based on previous Council direction.

In response to Councilmember Mathewson, Public Works Director Davis clarified that the permit application form has not required the applicant to provide facts constituting necessity for the permit since 1998, as the need is assumed. He noted that the form could be modified to include this requirement, or it could be stricken.

In response to Councilmember Bauer, Public Works Director Davis stated that the insurance requirement for hauling permits is consistent with other insurance requirements within the City. Interim City Attorney Zafferano added that any insurance requirement beyond \$100,000 could trigger the need for an excess policy.

In response to Councilmember Metropulos, Public Works Director Davis stated that there had been no claims filed in the past three years.

Mayor Warden opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, and unanimously approved by a show of hands to introduce an Ordinance Amending Chapter 14 of the Belmont Municipal Code, Motor Vehicles and Traffic, Article III, Truck Route and Weight Limitations, to waive further reading, and to set the second reading and adoption for May 10, 2005.

## **OLD BUSINESS**

### **Discussion and Direction for Increased Public Participation in the Parking and Traffic Safety Committee**

Public Works Director Davis reviewed the genesis and makeup of the current Traffic Safety Committee (TSC), as well as the current process for reviewing requests. He stated that affected residents are notified and have the ability to attend TSC meetings. He stated that decisions of the TSC can be appealed to the City Council.

Public Works Director Davis stated that members of the TSC are professionals who have the ability to analyze all of the issues. The addition of public members to the Committee would make it subject to the Brown Act, which could inhibit staff from working issues out ahead of time or act in a timely manner. He stated that as an alternative, an enhanced notification process could be initiated, which could include neighborhood association presidents and others, if desired.

In response to Councilmember Mathewson, Public Works Director Davis stated there is no fee for an appeal of a TSC decision to City Council. Interim City Attorney Zafferano stated that a councilmember may need to recuse himself or herself from any matter appealed from a TSC meeting he or she attends.

Councilmember Feierbach stated she recently attended a TSC meeting, and she was impressed by the process. Adding public members would not add value.

Councilmember Bauer concurred, and stated he would support the enhanced notification process.



Councilmember Metropulos stated he also supports the current TSC process. He added that the police staff is knowledgeable of parking and traffic issues.

Councilmember Mathewson concurred. He expressed concerns regarding the staff time necessary for the enhanced notification process. Public Works Director Davis responded that email can be used to notify the neighborhood associations, and affected residents would be notified via mail and the Teleminder system, which would not be burdensome.

Mayor Warden supported leaving the system as is with the appeal process.

Council concurred to utilize the enhanced notification process as proposed. Interim City Manager Rich stated that the enhanced notification would include posting TSC agendas to the City's website.

#### **Subcommittee Report and Council Action Regarding Development Negotiations with Scott Piazza on Development of Hillside Properties**

(Per action taken during Agenda Amendments earlier in the agenda, this item was unanimously continued to a date uncertain.)

#### **Discussion and Direction for In-Pavement Crosswalk Light and Active School Zone Radar Signs - Phase II, City Contract Number 460**

Public Works Director Davis reviewed Phase I of the project, including the balance of grant monies available (\$261,000) for additional locations and enhancements to the existing locations. He clarified that the contract was awarded for the full project, which would be phased in. He stated that positive feedback on this project had been received at a recent meeting of the neighborhood association presidents. He reviewed the enhancements and improvements to the existing crosswalk flashers proposed by the vendor, including additional crosswalk lights and enhanced LED to improve visibility. He stated that the use of the solar powered lighting is half the cost of hardwiring, and switching to a hardwired system would require tearing out what has already been installed.

Public Works Director Davis outlined the potential additional locations for the next installation phase. He clarified the difference between active and passive crosswalk flashers, and noted that Belmont's sidewalks were not wide enough to use bollards (passive) and still remain ADA-compliant. He noted there were challenges in utilizing a microwave system for the flashers.

In response to Council questions, Public Works Director Davis stated that additional lights could be added to the existing locations in the lane line or the double-yellow line, which will prevent them from being dislodged.

**Michael Harrison**, Lightguard Systems, Inc., stated that his company provided solar-powered and hard-wired in-pavement lighting systems. He stated that the State of California's manual on traffic control devices generated specifications based on Lightguard Systems design as a standard traffic control in the United States. He said that Lightguard could retrofit the existing lights and provide new installations within the existing budget. He commented that adding lights will not solve the problem, but adding LED to the existing lights would. He commented on various areas of the staff report on which he disagreed. He also wanted to know why his correspondence was not included in the staff report.

Public Works Director Davis responded that the City of Belmont is under contract with the existing vendor, and there could be legal ramifications for breaking that contract.

Interim City Attorney Zafferano stated that the speaker's presentation is not on the agenda, nor is there clarity on the relationship of his presentation to the staff report. He noted that while the speaker may wish to bid on a future contract, this is not what is before the Council at this time.

Councilmember Metropulos stated that a sales pitch is not an appropriate use of public comment time. He supports the current program, and has observed that the frequency of use of the crosswalk flashers has increased as people become more familiar with the system.

Mayor Warden stated that the City is legally obligated to fulfill the existing contract.

**Christine Wozniak**, Solana Drive, expressed her support of Council's effort to make streets safer. She added that the only safe place for pedestrians to cross the street is at a signaled intersection.

Councilmember Bauer stated that the active radar is a good tool, but he would support delaying its use in other locations in order to complete other in-pavement flashers.

Public Works Director Davis clarified that the current grant needs need to be expended by September 30.

Police Chief Mattei stated that the in-pavement flashers are helpful since they bring attention to speed. Sergeant Halleran added that additional signage and public education would also be helpful. He noted that the pedestrian decoy program would continue. He recommended that additional locations for the in-pavement flashers be in proximity to schools, such as at Virginia Avenue, and Ralston at Chula Vista. He responded that the use of active radar at Notre Dame High School may not be critical, and the portable unit could be used instead.

Councilmember Feierbach expressed concern about the addition of the in-pavement flashers at Ralston and Chula Vista, since the flashers may give pedestrians a false sense of security. She noted that these systems are usually used in commercial areas, not residential.

Councilmember Metropulos disagreed with Councilmember Feierbach, and noted that the monies for this program were obtained through a Safe Routes to Schools grant. Chula Vista is near a school, and is already a dangerous crossing, as is the area adjacent to Central Elementary School. He added that the in-pavement flasher system is more beneficial than detrimental.

Councilmember Mathewson stated that Chula Vista may be a dangerous installation, but he could support installations at Middle Road, and Alameda de las Pulgas at Garden Court.

Councilmember Metropulos stated if Chula Vista was a problem, the crosswalk should be removed.

Public Works Director Davis clarified that whether a crosswalk is marked or unmarked, it is considered a crosswalk, and a marked crosswalk may give pedestrians a false sense of security.

Councilmember Bauer stated that there is no downside to have in-pavement flashers anywhere, as the intent is awareness, not necessarily safety.

Mayor Warden expressed concern for maintaining the character of the community. There are no lights along Ralston in the Chula Vista area, and he does not support the addition of electronics. Ralston Avenue is safe, as most accidents happen on streets other than Ralston. He expressed support for installing in-pavement flashers on Alameda at Garden Court, as it is near a commercial area, and also near the library.

Council discussion ensued, and Council concurred to enhance the existing in-pavement flashers as outlined. Council also concurred that Phase II of the flashers would include the following locations: Middle Road at Virginia Avenue, Ralston at Maywood Drive, and Alameda at Garden Court. No consensus was reached on Ralston at Chula Vista Drive, Notre Dame Avenue, or Pullman Avenue. There was also no consensus on the installation of the active radar system on Ralston at Notre Dame Avenue.

Mayor Warden recommended that the Traffic Safety Committee be directed to review the removal of crosswalks on Ralston Avenue at Chula Vista Drive, Notre Dame Avenue, and Pullman Avenue.

**RECESS: 10:07 P.M.**

Councilmember Bauer left the Chambers at 10:15 P.M.

**RECONVENE: 10:20 P.M.**

Mayor Warden announced that Councilmember Bauer was not feeling well and left the meeting.

## **NEW BUSINESS**

### **Discussion and Direction Regarding Proposed Amendments to Chapter 14, Belmont Municipal Code, Motor Vehicles and Traffic, Article I, In General**

Interim City Attorney Zafferano stated that this issue addressed on-street parking. He clarified that the hauling ordinance introduced earlier in the evening addressed a different section of the Municipal Code. He stated that concerns were expressed during the recent discussion of off-street parking of recreational vehicles, boats and trailers on narrow streets. He clarified that case law gives cities the authority to regulate parking of these vehicles.

In response to Council questions, Public Works Director Davis clarified that signs must be located within the line of sight, and that 150-250 feet is standard. He noted that 72 hours is the universal time limit for any parking.

**MEETING EXTENSION:** At this time, being 10:30 P.M., on a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the meeting was unanimously extended one hour by a show of hands (4-0, Bauer absent).

**Don Last**, San Ardo Way, requested that the Council not take away citizens' rights and privileges. He stated his RV is stored in a lot, and is parked on the street for a few days to prepare for a pending trip.

**Behy Rausch**, Newlands Avenue, stated that the parking problem exists not only with RV's, but passenger cars as well. He noted that when cars are parked on both sides of some streets, two cars cannot pass each other.

**Carol Hatfield**, Lincoln Avenue, stated that Council just recently addressed off-street parking, and wanted to know why this was being addressed so soon. She recommended leaving regulations as they are currently.

Councilmember Mathewson clarified that this issue is different from the off-site parking issue.

Public Works Director Davis responded that residents are able to request consideration of red curbs through the Traffic Safety Committee process. He clarified that this current proposal is to consider restrictions beyond the statutory 72-hour parking limit. He also clarified that the parking of unattached trailers can be prohibited altogether, and parking prohibitions can be in selected areas.

Councilmember Metropulos stated that a large boat parked in the Bonnie Brae Terrace/Merry Moppet School area takes up three parking spaces in an area that already has a parking challenge. He stated that selective prohibition may just move the problem to another neighborhood. He does not support the storage of any vehicle on the street.

Councilmember Mathewson suggested a permit system for visitors. He added that enforcement of existing regulations is an issue. Public Works Director Davis stated that other cities have a permit system in place, and this could be explored for Belmont.

Councilmember Feierbach stated that she supports permitting preparation time for RV's, but that storage of boats on the street were an aesthetics issue, and parking on narrow streets was also an issue.

Mayor Warden stated that violators could be warned, and the intent is to achieve compliance. He noted that some people are storing other people's boats. He respects residents who are paying for off-site storage, and he recently supported the off-street parking of boats and RV's. He supports provisions for preparation time, but would not support additional signage. He added that the issue is large RV's, and the threshold for restriction may be size.

In response to Council questions, Police Chief Mattei outlined statistics regarding the number of complaint calls regarding RV's and trailers.

Public Works Director Davis stated that restrictions could be made to parking on narrow streets, but this can be an emotional issue. If the fire department has concerns regarding these parking issues, this can be addressed at staff level.

## **Inventory and Status of Paper Streets and Trails**

City Engineer Phalen stated that staff had completed an inventory of paper streets and trails throughout Belmont. She stated that many of these areas were acquired through property dedications over the years, and are often used as connections to other larger open space, or as shortcuts through neighborhoods. She noted that the property can be vacated at any time if not needed. She described the process used to identify the paper streets and trails, and clarified that additional research is needed to determine whether or not any have since been abandoned. She noted that some paper trails could be further developed and improved, but funding sources would need to be explored.

Councilmember Feierbach noted that adjacent property owners have encroached upon some trails and paths. She supports a city policy of no further vacation of any existing paper streets and trails.

**Hartley Postlethwaite**, Hillman Avenue, noted the five-foot easement adjacent to his property that was dedicated as part of the development of the Country Club Estates. He described the improvements that were made a number of years ago by his son for his Eagle Scout project. He stated that the paths are designed to be permanent, there is a value to them, and they are heavily used.

**Warren Gibson**, E. Laurel Creek Road, stated that trails and paths are Belmont's most important asset other than Water Dog Lake. He noted there is a potential for extension of many, and others could be improved. The San Juan Plan describes issues regarding paper streets, and he would like an opinion regarding the interpretation of that language.

**Rick Frautschi**, Folger Drive, stated that Belmont is under-parked, and pathways may help. The City should not vacate any more of them. He stated that additional paths could be developed to benefit schools, provide cut-through's, and increase pedestrian safety. He recommended budgeting the improvement for one new link per year.

Councilmember Feierbach stated that park in-lieu fees could be used, and volunteers such as the Scouts could do work. She complimented staff on the comprehensive report.

Councilmember Metropulos recommended resolving the legal issues regarding encroachment by adjacent property owners, and he supported the prohibition of further abandonment.

Councilmember Mathewson concurred, and requested options regarding the encroachment issue.

Mayor Warden recommended that staff continue its work on title searches, and concurred regarding the further vacation of property and the encroachment issue. He would also support marking the paths with some signage. He also complimented staff on the report.

**MEETING EXTENSION:** At this time, being 11:30 P.M., on a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the meeting was unanimously extended 30 minutes by a show of hands (4-0, Bauer absent).

Interim City Manager Rich stated that a work plan could be developed to address ownership and liability issues, as well as future development and improvement.

### **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

#### **Consideration of Belmont joining the California Statewide Communities Development Authority JPA (Mathewson).**

Councilmember Mathewson stated that following the recent issue regarding the TEFRA (Tax Equity and Fiscal Responsibility Act) hearing, he learned about the City's ability to join the California Statewide Communities Development Joint Powers Authority. He noted that several cities, counties and special districts were members, and there is no cost. Belmont could then conduct its own TEFRA hearings. He felt this would take less than 20 hours of staff time to address.

Interim City Manager Rich stated there may be other issues, and if the goal is to allow the City to conduct its own TEFRA hearings, there may be other options available.

Council concurred to direct staff to research this issue to provide additional information.



**Consideration of directing staff to investigate and report back the approximate cost and timing for the preparation of a Council initiative dealing with land use to be placed on the November ballot (Feierbach).**

Councilmember Feierbach stated that she would like to explore the option of an initiative on the November ballot requiring a vote of the people for any proposed subdivisions in open space areas. She clarified her intent was to impact only HRO zoning. She noted that other cities have recently passed similar initiatives, which require a simple majority to pass. She would request election costs and CEQA (California Environmental Quality Act) ramifications.

Council concurred to direct staff to research this issue.

**ADJOURNMENT** at this time, being 11:45 P.M., to continued Closed Session.

Terri Cook

Belmont City Clerk

Meeting Tape Recorded and Videotaped

Tape No. 608

**CONTINUED CLOSED SESSION**

B. Conference with Legal Counsel--Anticipated Litigation, initiation of litigation, pursuant to Government Code Section 54956.9(b)-One case (Continued from earlier).

Attended by Councilmembers Feierbach, Mathewson, Metropulos, Warden, Interim City Manager Rich, Interim City Attorney Zafferano, Interim City Manager Candidate Jack Crist. Councilmember Bauer was absent, and City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 12:05 A.M.

Terri Cook

Belmont City Clerk

Meeting not Tape Recorded or Videotaped

Minutes approved 5/24/2005